

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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Attorneys for Plaintiff Bombshell Sportswear LLC

BOMBSHELL SPORTSWEAR
LLC, a California limited liability
company,

Plaintiffs,

vs.

LAMERA SPORTSWEAR, a
business entity of unknown form;
and DOES 1 through 10, inclusive,

Defendant.

Civil Case No.:

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COMPLAINT FOR DAMAGES

Plaintiff Bombshell Sportswear LLC (“Bombshell Sportswear” or
“Plaintiff”) by way of Complaint against defendant LaMera Sportswear (“LaMera”

or “Defendant”) alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331 and 1338 in that the action arises under an Act of Congress relating to patents.

2. Venue is proper in this district under 28 U.S.C. §1400(b) and 28 U.S.C. §§ 1391(a) because a substantial part of the events giving rise to these claims occurred in this District, and LaMera’s principal place of business is located in this District. Venue is proper in this vicinage pursuant to Local Civil Rule 40.1 because LaMera resides within Monmouth County, New Jersey.

II. PARTIES

3. Plaintiff Bombshell Sportswear LLC is a California limited liability company based in Playa Vista, California.

4. Defendant LaMera Sportswear is a business entity of form unknown with a principal place of business in Monmouth County, New Jersey.

5. Does 1 through 10 are other persons whose identities are unknown who are alter-egos of LaMera, and who have direct responsibility for the acts and omissions alleged in this Complaint.

III. FACTS

BOMBSHELL SPORTSWEAR’S INTELLECTUAL PROPERTY

6. Since 2013, Bombshell Sportswear has dedicated itself to designing and selling high quality and fashionable exercise apparel for women with its own signature style.

7. Bombshell Sportswear’s signature style was created, in part, in 2015, when Dominique Zimmermann invented “Sock Leggings”—one-piece leggings that create the appearance of sport socks worn over leggings. In one embodiment,

the Sock Leggings are designed to appear as “thigh high” sport socks. It features horizontal stripes at the top of the sock portion of the leggings, above the knee. Representative images of this embodiment are reproduced below:



8. To protect her innovative designs, Ms. Zimmermann applied for a design patent on June 6, 2016. The United States Patent and Trademark Office granted the application, and issued Design Patent US D783,232 S (the “Design Patent”) on April 11, 2017. A copy of the Design Patent is attached to this complaint as Exhibit 1 and incorporated herein by reference.

9. Bombshell Sportswear is the exclusive licensee of the Design Patent.

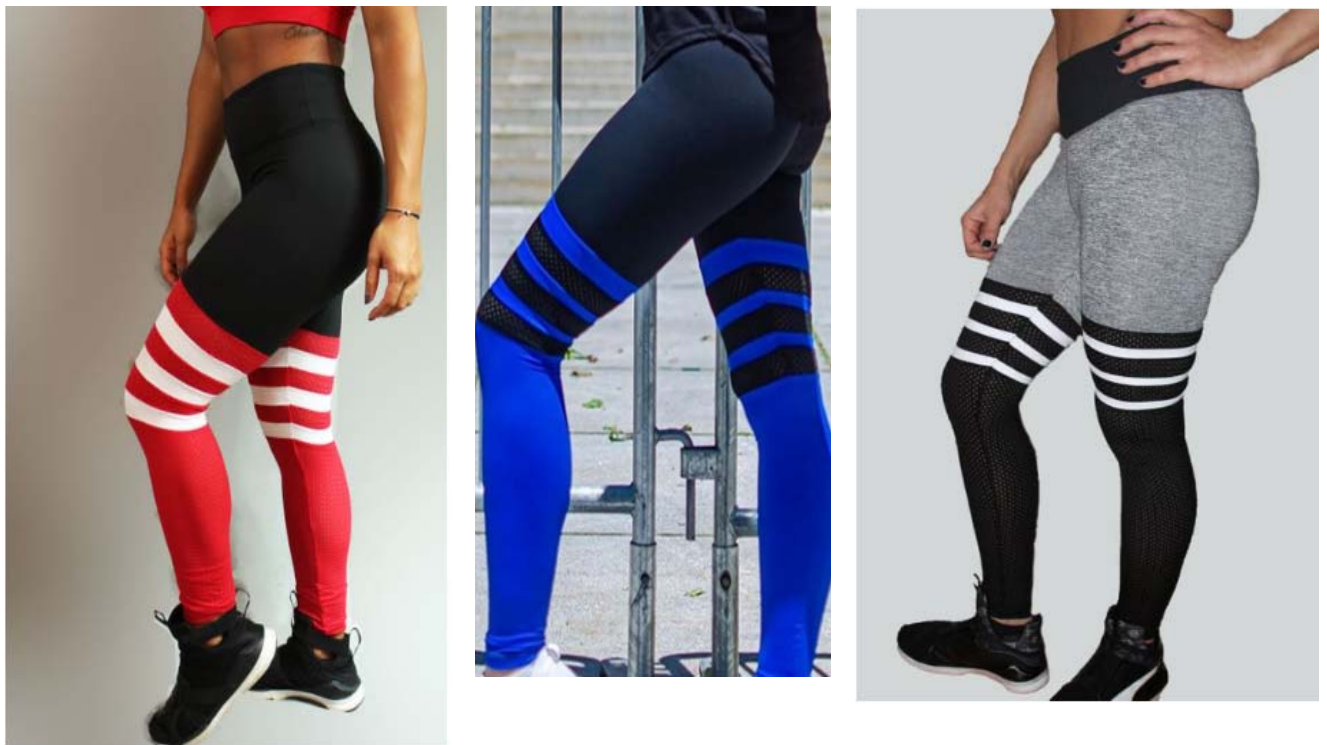
DEFENDANT’S INFRINGING CONDUCT

10. Defendant LaMera is a retailer of women’s athletic attire. On information and belief, LaMera follows trends in women’s athletic attire, and attempts to capitalize on such trends by buying trending apparel products and

selling such products through its online store, located at <https://lamerasportswear.com/>.

11. Bombshell Sportswear discovered that LaMera was offering for sale knock-off versions of its patented Sock Leggings, including the products pictured below.

LaMera Knock-offs



12. On or about December 23, 2018, Bombshell Sportswear informally reached out to LaMera, notifying it of Bombshell Sportswear's intellectual property rights, and requesting that it cease and desist from selling the knock-off products. LaMera refused. As a result, on January 4, 2019, Bombshell Sportswear, by and through its attorney, sent a formal letter to LaMera notifying it of Bombshell's

rights and demanding that LaMera cease and desist from its infringing conduct. To date, LaMera has not responded to the cease and desist letter and continues to knowingly infringe upon the Design Patents.

13. LaMera's conduct was and is done with knowledge of Bombshell's rights, and with the intent to profit and trade on Bombshell's goodwill.

FIRST CAUSE OF ACTION
(for Design Patent Infringement)

14. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 13 as if fully set forth herein.

15. This claim arises under the provisions of the patent laws, particularly under 35 U.S.C. § 271, and alleges the infringement of a design patent.

16. Plaintiff is the exclusive licensee of Patent US D783,232 S.

17. LaMera has infringed, and continues to infringe the Design Patent by making, having made, importing, offering to sell, and/or selling within the United States products that, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, are substantially the same as the patented designs, the resemblance being such as to deceive such an ordinary observer, inducing her to purchase one supposing it to be the other.

18. LaMera's acts of infringement were undertaken without authority, permission or license from Plaintiff.

19. LaMera's infringement has damaged and continues to damage and injure Plaintiff. The injury to Plaintiff is irreparable and will continue unless and until LaMera is enjoined from further infringement.

20. Plaintiff is entitled to compensation for its damage, as well as an accounting of all revenue and profits obtained by LaMera as a result of the

infringing conduct. Moreover, because of the willful and deliberate nature of LaMera's conduct, any award of damages may and should be increased to an amount three times Plaintiff's damage. Plaintiff further requests an award of reasonable attorney's fees.

21. Plaintiff also seeks a permanent injunction preventing LaMera from further infringement of the Design Patent.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendant LaMera as follows:

1. That judgment be entered in favor of Plaintiff and against Defendant on all counts;
2. That a permanent injunction be issued on restraining Defendant from infringement of Plaintiff's rights;
3. That any infringing products in Defendant's possession, custody, or control be seized and impounded;
4. An award of three times Plaintiff's actual damages and Defendant's profits;
5. Costs incurred in this action;
6. Punitive damages;
7. Reasonable attorney fees; and
8. Such other relief as the Court deems just and proper.

Dated: July 30, 2019

Respectfully submitted,

CALL & JENSEN
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Attorneys for Plaintiff Bombshell Sportswear, LLC

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I hereby certify that the within matter in controversy is not the subject of any other action pending in any court, or of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated and I know of no other parties who should be joined in this action at this time.

Dated: July 30, 2019

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A Professional Corporation

By: /s/ Aaron L. Renfro
Aaron L. Renfro (*pro hac vice* pending)

-and-

ECKERT SEAMANS CHERIN & MELLOTT,
LLC

By: /s/ Jill Cohen
Jill R. Cohen (I.D. No. 036872007)

Attorneys for Plaintiff Bombshell Sportswear, LLC

CERTIFICATION PURSUANT TO L. CIV. R. 201.1(d)(3)

I hereby certify that the damages recoverable exceed the sum of \$150,000, exclusive of interest and costs.

Dated: July 30, 2019

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